

Please type a plus sign (+) inside this box →



04/08/04

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/670,179
		Filing Date	September 23, 2003
		First Named Inventor	Schochetman et al.
		Group/Art Unit	1614
		Examiner Name	Unassigned
Total Number of Pages in This Submission		Attorney Docket Number	12636-796.301

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Notice to File Missing Parts under 37 CFR 1.53(b)	<input type="checkbox"/> Assignment & Recordation Cover Form <input type="checkbox"/> Declaration For Utility Patent Application <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney By Assignee <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Form PTO/SB/08A and copies of twenty (20) cited references
Remarks The Commissioner is hereby authorized to charge and credit deposit account 23-1415 (Attorney Docket No. 12636-796.301) for any charge of credit, overpayment, or any additional fees required.		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual name	Shirley Chen, Reg. No. 44,608, WILSON SONSINI GOODRICH & ROSATI		
Signature			
Date	Apr. 5, 2004	Customer Number:	021971

CERTIFICATE OF EXPRESS MAIL			
I hereby certify that this correspondence is being deposited with the United States Postal Service Post Office to Addressee on the date indicated below by Express Mail (Label No. EV 333 489 576 US), addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450			
Typed or printed name	Tami O'Bryant		
Signature		Date	April 6, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



EXPRESS MAIL LABEL NO.: EV 333 489 576 US

PATENT

Attorney Docket No. 12636-796.301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
)	
Inventor(s): Schochetman et al.)	
)	Art Unit: 1614
Application No.: 10/670,179)	
)	Examiner: Unassigned
Filed: September 23, 2003)	
)	
Title Combination HIV Therapy Including)	
Camptothecin)	
)	

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
 - ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
 - ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
 - ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; **or**
 - ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
 - B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
 - C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:
- ☐ In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner in the file history of the parent application (Serial No.), copies are not enclosed herewith.
 - ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
 - ☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed

because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

- ☒ There are no listed references which are not in the English language.
- ☐ The relevance of those listed references which are not in the English language is as follows:
- ☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.
- ☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 12636-796.301).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: Apr. 5. 2004

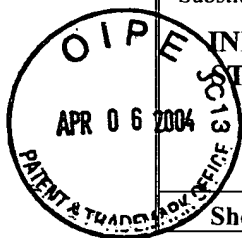
650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Customer No. 021971

By: 

Shirley Chen, Reg. No. 44,608

Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known		
				Application No.	10/670,179	
				Filing Date	September 23, 2003	
				First Named Inventor	Schochetman et al.	
				Art Unit	1614	
				Examiner Name	Unassigned	
Sheet	1	of	2	Attorney Docket No.		12636-796.301



U.S. PATENT DOCUMENTS					
Examiner's Initials	Cite No. ¹	Document No.	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-4,879,277	11-07-1989	Mitsuya et al.	
		US-5,422,344	06-06-1995	Priel et al.	
		US-5,622,959	04-22-1997	Priel et al.	
		US-5,641,773	06-24-1997	Pardee et al.	
		US-5,874,430	02-23-1999	Christ et al.	

FOREIGN PATENT DOCUMENTS						
Examiner's Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 96/11005	04-18-1996	Leon T. ATLAS		
		WO 97/44492	11-27-1997	The Rockefeller University		

OTHER PRIOR ART – NON PATENT RELATED DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the Item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published			T ²
		Carteau et al., “Effect of Topoisomerase Inhibitors on the <i>in vitro</i> HIV DNA Integration Reaction”, Biochemical and Biophysical Research Communications, vol. 192, no. 3, pgs. 1409-1414, May 14, 1993.			
		Cimons, “Panel to Call for Triple-Drug Therapy for HIV Health: Federal Officials Seek to Reduce Confusion Among Doctors”, Los Angeles Times (Home Edition), pg. A-18, Thursday, June 19, 1997.			
		Dornadula et al., “Residual HIV-1 RNA in Blood Plasma of Patients Taking Suppressive Highly Active Antiretroviral Therapy”, JAMA, vol. 282, no. 17, pgs. 1627-1632, November 3, 1999.			
EXAMINER SIGNATURE		DATE CONSIDERED			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional) 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

Substitution for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application No.	10/670,179
				Filing Date	September 23, 2003
				First Named Inventor	Schochetman et al.
				Art Unit	1614
				Examiner Name	Unassigned
Sheet	2	of	2	Attorney Docket No.	12636-796.301

OTHER PRIOR ART – NON PATENT RELATED DOCUMENTS			
Examiner Initials*	Cite No.	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T ²
		Fesen et al., "Inhibitors of Human Immunodeficiency Virus Integrase", Proc. Natl. Acad. Sci. USA, vol. 90, pgs. 2399-2403, March 1993.	
		Finzi et al., "Identification of a Reservoir for HIV-1 in Patients on Highly Active Antiretroviral Therapy", Science, vol. 278, pgs. 1295-1300, November 14, 1997.	
		Hazunda et al., "Inhibitors of Strand Transfer that Prevent Integration and Inhibit HIV-1 Replication in Cells", Science, vol. 287, pgs. 646-650, January 28, 2000.	
		Hung et al., "9-Nitrocamptothecin Inhibits HIV-1 Replication in Human Peripheral Blood Lymphocytes: A Potential Alternative for HIV-Infection/AIDS Therapy", Journal of Medical Virology, vol. 64, pgs. 238-244, 2001.	
		Kilby et al., "Potent Suppression of HIV-1 Replication in Humans by T-20, a Peptide Inhibitor of gp41-Mediated Virus Entry", Nature Medicine, vol. 4, no. 11, pgs. 1302-1307, November 1998.	
		Li et al., "Camptothecin Inhibits Tat-Mediated Transactivation of Type 1 Human Immunodeficiency Virus", The Journal of Biological Chemistry, vol. 269, no. 10, pgs. 7051-7054, March 11, 1994.	
		Li et al., "Three Inhibitors of Type 1 Human Immunodeficiency Virus Long Terminal Repeat-Directed Gene Expression and Virus Replication", Proc. Natl. Acad. Sci. USA, vol. 90, pgs 1839-1842, March 1993.	
		Moulton et al., "9-Nitrocamptothecin Inhibits Tumor Necrosis Factor-Mediated Activation of Human Immunodeficiency Virus Type 1 and Enhances Apoptosis in a Latently Infected T Cell Clone", Aids Research and Human Retroviruses, vol. 14, no. 1, pgs. 39-49, 1998.	
		Otten et al., "Differential Replication and Pathogenic Effects of HIV-1 and HIV-2 in <i>Macaca nemestrina</i> ", AIDS, vol. 8, pgs. 297-306, 1994.	
		Pilcher et al., "Prolonged Therapy with the Fusion Inhibitor T-20 in Combination with Oral Antiretroviral Agents in an HIV-Infected Individual", AIDS, vol. 13, no. 15, pgs. 2171-2173, 1999.	
		Priel et al., "Inhibition of Human Immunodeficiency Virus (HIV-1) Replication in Vitro by Nontoxic Doses of Camptothecin, a Topoisomerase I Inhibitor", AIDS RESEARCH AND HUMAN RETROVIRUSES, vol. 7, no. 1, pgs. 65-72, January 1991.	
		Sadaie et al., "9-Nitrocamptothecin Selectively Inhibits Human Immunodeficiency Virus Type 1 Replication in Freshly Infected Parental but Not 9-Nitrocamptothecin-Resistant U937 Monocytoid Cells", AIDS RESEARCH AND HUMAN RETROVIRUSES, vol. 15, no. 3, pgs. 239-235, 1999.	
		Stephenson, "Studies Reveal Early Impact of HIV Infection, Effects of Treatment", JAMA Medical News & Perspectives[online], vol. 279, no. 9, March 4, 1998. (Retrieved 12/28/2001 from the Internet: <URL: http://www.ama-assn.org/special/hiv/newsline/special/jama/jmn80016.htm >.)	
		Takahashi et al., "Human Immunodeficiency Virus Type 1 Reverse Transcriptase: Enhancement of Activity by Interaction with Cellular Topoisomerase I", Proc. Natl. Acad. Sci. USA, vol. 92, pgs. 5694-5698, June 1995.	
		Zhang et al., "Topotecan Inhibits Human Immunodeficiency Virus Type 1 Infection Through a Topoisomerase-Independent Mechanism in a Cell Line with Altered Topoisomerase I", Antimicrobial Agents and Chemotherapy, vol. 41, no. 5, pgs. 977-981, May 1997.	
EXAMINER SIGNATURE		DATE CONSIDERED	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional) 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

2755346 1.DOC

Attorney Docket No. 12636-796.601 (Appln. No. 10/670,179)